1: Hoebel E-5 (1933) 1940 NO6 Comanche NO6

"That evening just before dark the wife left his lodge and went to the tipi of her uncle. She arrived just as he and his wife were finishing eating. When they had finished their supper, they asked what might be on her mind. 'I have come to carry tales,' she said. 'Go on,' he replied. 'Well, your son-in-law, Cooks Dried Meat, accused me of being intimate with you, and he whipped me badly.' Her uncle was indignant. 'The brute, the bad thing, the devil—you shall not go back to him.' His mother and father were living in the same tipi, so he asked the woman to stay there.

"A little later there was the sound of something outside, and a voice said, 'I have come for the person who is visiting you.' 'Go home!' the uncle shouted back, 'she is staying here.' It was fall and cool enough to have a fire and eat indoors. They went to bed.

"The uncle's tipi was at one end of the encampment; the husband's was at the other. Just at white dawn a voice shouted out from the tipi of Cooks Dried Meat. 'Get ready Pítsku (the uncle). Prepare yourself!'

"It stirred a terrible commotion. Everybody woke up and asked what was going to happen and angry voices were heard. Cooks Dried Meat strode forth accompanied by his father, the aged peace chief, Tongue, and a young man. They went towards the tipi.

"Close to that tipi was one of an old man who lived with his grandson. He stuck his head out and received an arrow full in the throat. As his relatives pulled loose the shaft they cried, 'We shall wipe Cooks Dried Meat out. We shall join Pítsku to do this. Then they fired and killed Tongue. The fight was on. Pítsku got badly wounded in the rump. Hard by was my mother-in-law's tipi—a big one. Into this Pítsku scurried for shelter. Next the son of Cooks Dried Meat was killed, making two men shot on each side. Cooks Dried Meat came to my mother-in-law's tipi to get Pítsku, but the old woman warned him away. 'You don't kill him in my tent,' she threatened. 'If you do, it will not be well for you. The man of this house is a great warrior and a strong medicine man. It will go ill with you if you shed blood in his tipi.'

"By that time a group of men had intervened. 'Stop it,' they ordered. 'It is enough that two men have been killed on either side. Stop.'

"Cooks Dried Meat then fled from the camp. He was chased by the grandson of the old man he had shot in the throat, but he escaped and never came back to the band. He moved away from it.

"Pítsku died of blood-poisoning. Tongue was the peace chief. If he had not taken his son's side, it would have been his duty to have stopped the fighting."

Other acts which to the Comanches were so heinous as to warrant lethal retaliation on the aggressor were the slaying of a favorite horse, and insulting conduct which was insufferable to the aggrieved. These factors appear severally in different cases, but are combined into one single complication in a famous Comanche case known to many informants. There are slight variations in the telling, but the main points of action remain the same.

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685 One version has it that the two groups involved were members of a single war party which was returning from a long raid and split because of disagreement over how fast they should travel. Another has it that two small Comanche war parties happened to meet, and thus the action occurred. The facts as reconstructed from several accounts produce running history as follows.

Case 14. Horse Slaying and Murder: Pepper vs. Múβa
Informants: That's It, Talker

Pepper, a Comanche of the Those Who Move Often band, was returning from a successful raid with his captive friend. They were bringing home a bunch of good horses and had reached the Comanche country when they met and camped with two men of the Antelope band, Múβa and his captive friend. In the morning four more Comanches, Man's Forehead, Breaks Something, Harness and Tsiwiwta rode up. They all talked awhile before Pepper and his captive made ready to leave. They rounded up their horses, except one, which was left behind either because it was lame, or had gotten into the herds of the others.

The warriors who had stayed behind were hungry and were considering what to eat. Múβa settled it by ordering his captive to kill the horse their friend had left behind. Some say he chose it because it was better to kill a lame horse; others, because it was nice and fat. They said they would give Pepper the choice of horses when they saw him. But the meeting with Pepper came sooner than was looked for, for he began to repent having left his horse behind. He turned back to see what had become of it. He rode up on the feasting group.

"You have butchered my filly. If you wanted to butcher, why didn't you kill your own horse?"

"Yes, we have done that," Múβa agreed. "But look here, my friend, there are our horses and pack mules over there. Take your choice."

685 So Pepper rode towards the grazing beasts. He drew his bow—the men watched to see what he intended. Twang! He sent an arrow into Múβa's best horse and one 682 into his captive's mule. With the animals writhing on the ground, he rode off.

That made Múβa angry. "What a mean fellow!" he cried. "The way he shot down those horses. Get our horses! We are going to talk to our friend." As they rode forward to catch up with Pepper, he laid out his plot to his captive. "He will strike you because you are a captive. Hit him back and fight with him. Then I will kill him."

They came abreast of Pepper and started to talk with him. Soon Pepper began to abuse the captive. "You, what did you come here for? Do you think anyone would grant your wish or give you anything? If anyone wanted to horsewhip you, is there any reason why they should not?"

"Well, try it," the captive dared.

"Well, why not?" He struck the captive across the face.

The captive slashed back. They grabbed each other's hair and rolled to the

1: Hoebel E-5 (1933) 1940 NO6 Comanche NO6

ground. Múβa watched for his chance until he could shoot a wounding arrow into Pepper.

"Can't you do better than that?" Pepper cried. So a second arrow was used to kill him.

Without attempting to take the dead man's horses, they went back to where the other Comanches waited. "I have killed our friend," Muβa announced. The four who were there then mounted and went out to look for the body. They stayed a long time preparing a grave, wailing and mourning for the dead man. Múβa and his captive spent the time preparing a meal from their dead mule, which Pepper had shot.

When their friends came back from their mortuary undertakings, they ate heartily. In the meanwhile, Pepper's captive drove his master's horses into camp. There was great mourning among his master's relatives. Because Pepper had no father, a war chief named Bakamuts, a brave and respected man among the Those Who Move Often, called for attention.

"Listen to me, all!" The wailing ceased. "There is a young brave named Múβa. He is of a large household and in it are many brave warriors. It is my mind that we let this matter go; because his friend first did the wrong thing, it was not his fault. Pepper was mean to have started the fight over a horse."

Bakamuts took these steps to close the incident because both he and the Antelope chiefs were afraid that the two bands would exterminate each other. They did not want a senseless fight between their bands. Crazy Bear and another Antelope chief counselled, "Let us forget this thing which has happened. Our children have intermarried; for their sakes, let us forget it."

Thus tribal consciousness checked a possible internecine war. But note that the rationale is on the kinship basis. The Comanche had not yet reached the state of pure polity. As to the materials of the action, the murdered warrior's resentment at the butchering of his horse was rooted in the very personal nature of horses as property. Comanche horses were highly regarded and imbued with a degree of personality. It is not unlikely that the slaying of horses was to the owner close to murder and hence no light thing to compose. Two horses killed for one horse butchered is in one sense a more-than-murder retaliation. The revenge-killing of Pepper roots no less obviously in a pattern that atonement deemed ample, and freely offered, was to be accepted, not to be insultingly refused by shooting horses instead of receiving them.

The extremes to which feelings on a favorite horse could go are also demonstrated in the famed murder of Rocky Thorn by Crowding A Person.

Case 15. Killing a Favorite Horse and Murder: Rocky Thorn vs. Crowding A Person Informant: That's It

"The trouble resulted from a raid on a Comanche camp by enemies. As the raiders were making their get-away, a young boy jumped on the nearest loose horse to

1: Hoebel E-5 (1933) 1940 NO6 Comanche NO6

RAPE

Rape was an act beyond the pale of normal conduct. It, too, was of infrequent occurrence and not part of the general pattern. Sex relations were so free that there seems to have been little cause for rape. 839

Case 35. Rape: Blow it Away
Informant: Holding Her Sunshade

"Blow It Away was a chronic offender. He was not favored by the women and was generally avoided by them. He made up for this by attempting surreptitious night unions with women in their tipis. He would sneak in and try to arouse them to desire. He never had much success. Then, too, he would attempt to rape such women as he found alone away from the camp. These attacks he would make in the daytime and in these he was usually successful. No one ever caught him attacking a married woman, so he was never called to account by a husband. But one night he tried his night-stealing on a large married woman and she broke him. 684

"The woman awoke to find Blow It Away feeling her. She struggled with him; then she got him down. Holding him to the ground, she ripped his breech clout from his loins and grabbed his penis. She was starting to drag him from the tipi when her son awoke and saw them. Her boy begged her not to do that to the man, but the mother was going to teach that nuisance a lesson. Holding him as she had him, she dragged Blow It Away through the door out into the open spaces between the tipis where all the people could see him.

"This was the first time anyone took action against him. It was the last time he tried to force himself on a woman."

This is shaming par excellence, plus a very painful conditioning.

Sleep-crawling by either boy or girl was legitimate if the recipient did not object to quiet night visits. Thus, it was out of the category of abnormal conduct. 836

THEFT

Theft was so unusual that no provision was made for it in the legal scheme. Consequently it must fall into the vague class of unapproved abnormal acts which were outside the scope of law. One informant after another avowed that it never happened within the tribe. No clear cut cases of theft under aboriginal conditions were recorded. 685

GRAVE ROBBERY

In recent years the Comanches have been considerably annoyed by ghouls. The ancient custom of burying a person's individual belongings with him and of throwing articles of value into the grave with the body persists today. Predatory whites have been given to exhuming bodies to strip them of whatever valuables might be found. The grave of the son of a certain rich

1: Hoebel E-5 (1933) 1940 NO6 Comanche NO6

685 Indian is said to have been opened at least a half dozen times. Attention is naturally directed to the possibility of grave robbery among the Indians before the depredations of the white man. Here again inquiry was met with denial, until one instance was finally related by Slope.

Case 36. Grave Robbery
Informant: Slope

"A wealthy man was in a cave. His body was dressed in his best clothes; and when he had been laid in the cave, the opening was closed up with rocks. The mourners went away down the hill toward the camp.

"As soon as they were out of sight, a tákapa (poor man), who had hidden nearby, came out and removed the upper rocks from the opening. Putting his hand in, he felt of the man's beaver-wrapped hair, and his silver ear-rings. The fresh air brought the dead man to life and he caught the hands of the marauder. So frightened was the youth that he uttered a piercing cry and struggled to get away. But the man spoke to him and begged him to get some water for him to drink. He asked the poor boy to run and tell the departing relatives that he was alive, and said he would give the youth anything he wanted.

"The boy set off at a run to tell the mourners what he had seen. When he caught up with them, he confessed his attempt to rob the grave and what had happened to him. They immediately turned about and went back to the cave. There they found their relative revived as the boy had said. They took away the rest of the rocks and gave him a drink of water. In gratitude to the poor boy, they forgave him for his act and gave him the good clothes which the man had been buried in and four horses."

It is evident enough that the robbing of graves was not in the category of usual forms of misconduct. Apparently no particular pattern of attitudes was worked out as to how to treat such violators; there was no need. The one case cited could easily have been otherwise handled if it had not resulted in the saving of the life of the "dead" man. One suspects that it may be more legendary than factual.

SUICIDE

762 Suicide because of an overwhelming sense of shame was a definite Comanche pattern.

"When I was about fourteen years old I saw a woman who was either sick or pregnant hang herself," said Post Oak Jim. "She was ashamed of having a child when she was so old. She would stay away from camp all day. Finally she hung herself." And again, "Once there was a man who was whipping a horse in the face. The horse dodged, and he struck himself

3:Wallace & Hoebel E-4, 5 (1933, 1945) 1952
NO6 Comanche NO6

The Horse and the Buffalo

« « « I turned to those two men and asked what Mexican (a personal name) wanted in claim. 231 681

They answered that he wanted a certain horse I had got from a dead friend, another horse, a saddle, and a Winchester.

I told them I would not part with that first horse. It was dear to me. I told them I would give them another horse just as good.

Atsaci answered, "We want that horse or none."

I tried three times to try to get them to agree on another horse, but they refused. Finally, I told them, "All right, if you take that horse, you get nothing but that horse. It is enough." I had something else to say, too, and I told Atsaci I wanted to tell him something after we finished.

"What?" he said.

I told him not to forget that he was married to two of my "daughters" (they were daughters of my brother). In these words I spoke to him. "If I accept these terms, and you insist on that horse, you can have it. But if you do, you will lose your two wives. I will take my daughters back from you. You are my son-in-law, and yet you are not caring what you say; you are trying to get the horse I love." » » »

With that Breaks Something won his point.

Killing another man's favorite horse was akin to murder, and in two Comanche cases people were killed in revenge.[4] Favorite horses were emotional objects, like people. 231 [685]

Just how and when the Comanches first obtained horses is not known, but within a short time after they migrated to the South Plains they possessed them in great numbers, and, henceforth, a considerable portion of the male's working hours were spent astride a horse. The first modern horses on the plains were brought by Coronado and De Soto, but those escaping from these expeditions could not possibly have been the progenitors of all the herds of a later date.[5] The Spaniards of northern Mexico possessed a great many horses,

[4] Hoebel, *The Political Organization and Law-Ways of the Comanche Indians*, 68–70.

[5] For this point of view, see Francis Haines, "The Northward Spread of Horses among the Plains Indians," *American Anthropologist*, Vol. XL (1938), 429–30.

3:Wallace & Hoebel E-4, 5 (1933, 1945) 1952
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A group might intervene to stop a fight, yet it had no legal authority to do so. The offended party, if disposed to compromise, had the privilege of accepting a commutation and releasing the murderer, according to David G. Burnet's observation in 1824.[17] This was seldom the case, however, and by mid-century, if our informants are correct, it was out of the question. Comanche law was hardening through the decades in this one respect. The murderer might flee the camp to another band and thereby escape vengeance for an indefinite period, if he was lucky. Whether or not any kind of settlement was reached, the man who had done the killing was usually more or less ostracized by his fellows. It made no difference how prominent the man might have been or how good his family, should he shed the blood of a fellow tribesman, a stigma was cast over his family and his relatives shared in the disgrace. The matter was not only talked about, but might even blight the lives of his children after his death.

Those who committed murder were often men of great bravery whose success in war and whose standing in the tribe had made them somewhat arrogant and impatient of those who did not do as they demanded. Other men committed murder in revenge.

In Comanche law the killing of a murderer by the kinsmen of the victim was a privileged act. *It did not lead to feud.* A killing called for a counter-killing. And there it stopped. The society at large and the kin of the murderer also recognized and granted the privilege-right of the execution of the murderer by the hand of his victim's brothers. This made it a truly legal sanction. No single case contravening this norm in action is remembered by any Comanche informant. The Comanches in this remarkable (in the light of the usual feudal tendencies of primitives) self-imposed restraint raised this aspect of their law to a higher than ordinary level for people of their general cultural attainments.

Favorite horses were so endowed with personality that killing a man's favorite horse was akin to killing his brother. The owner might, and sometimes did, kill the horse-slayer in return.[18]

A wrong committed by one member of a kin group against an-

[17] Burnet, "American Aborigines, Indians of Texas," *loc. cit.*, Vol. I (May 15, 1824), 154.

[18] Cf. Hoebel, *The Political Organization and Law-Ways of the Comanche Indians*, 68–72.

22: Dacus Q-3 (no date) 1960 NO6 Comanche NO6
(ca. 1870)

authority is measured by the amount of wealth he may possess and his reputation for courage and skill in war.

The authority of their war-chiefs often terminates at the conclusion of a single expedition, their official term expiring by limitation.

Once a year they have a general council, at which they settle disputes between rival warriors, make regulations and discuss matters pertaining to the welfare of the people. In this council all warriors are entitled to participate, which means, all the grown up men of the tribe. Occasionally a warrior of great wealth, that is the owner of many ponies, and of great personal prowess, will exercise a sort of chieftaincy for many years together. But such instances are rare.

The council frame certain rules, sanctioned by custom, and not in contravention to the will of the majority, and these are proclaimed by a chief man, who rides among the lodges, pausing at convenient points to recite the law in the hearing of all the people.

Theft, adultery and murder are the cardinal crimes, and for the punishment of these offences, custom has established precedents which have all the authority of a written code. For the first, the offender may satisfy justice by restitution and additional gifts. The second is a crime which, according to Comanche law, men are incapable of committing. The woman guilty of this offense may be punished by castigation, mutilation, or the infliction of the death penalty, at the will of the husband. Her paramour, however, if disposed, can placate the husband by presents. For murder, the penalty is death. The friends and relatives of the victim would disgrace themselves by compounding the felony. They are constituted the avengers, and invariably put to death the criminal, if they can find him. These are about all the offenses cognizable by the Comanche code.

THE COMANCHES ARE GREAT STORY-TELLERS. In the mild autumn evenings they gather about the lodges in groups of five or six, and each one endeavors to surpass the others in marvelous stories, either of his own adventures or those of some other person. They have a series of fables, probably obtained from the Spanish Jesuit missionaries, who it is known visited them almost two centuries ago, which they term the "Talks of the Liar." The Comanche name for liar is *esop*, which considering the striking similarity between the "Talks of the *Esop*-Liar," and the fables of the Greek confirms me in the opinion that a majority of the lodge-fire stories of the Comanches are but modified versions of the fables familiar to every school-boy who is set to learn another language than his own. In these fables the fawn is substituted for the lamb, the bear for the lion, the coyote

24: Richardson H-4 (no date) 1929 NO6 Comanche NO6
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mate relations with the Penatekas or Southern bands. Along Red River and the Canadian were the Tanimas, Nokonies and Kotsotekas, to the north were the Yamarikas and in the plains region were the fierce Kwaharies. Associated with these northern bands were the Kiowas, fierce and powerful. Parties from these different bands frequently visited the reservation, coming as friends or lurking near as enemies as best suited their purposes. Naturally the going and coming of these wild kinsmen and their occasional presence at or near the reservation made it very difficult for the agents to control their wards. Furthermore, in their raids against the Texas settlements and the North Mexican states these parties often passed near the reservation. This, according to Agent Leeper, was done both to steal additional horses from the reserve Indians and to direct the attention of the pursuers to those Indians in order that they might be charged to the innocent while the guilty made their escape. Indeed the Indians of the reservation frquently suffered severe losses of horses at the hands of these marauders.[11] During the last years of the reservation there developed an estrangement between its inhabitants and their wild kinsmen and at times the wards felt that their lives were insecure, although the agency was near by and the military post but two miles away. In May, 1858, Ka-tem-e-see took his boys out of school in order to keep them near him and better protect them from the wrath of the marauders of the north. By this time the chief had lost his enthusiasm for the wild Indians and on one occasion said that he did not care if the troops killed them all.[12]

On at least one occasion a lawless visitor came near causing a general revolt. One Santa Anna, a notoriously bad Indian, came and put up in Ka-tem-e-see's cabin. Since this was the only cabin on the reservation perhaps the insolent fellow felt that lodging accommodations were poor enough and he proposed to take the best. It was even rumored that he planned to supersede Ka-tem-e-see and make himself chief of the reservation. The chief ordered this Indian and his companion, a Nokoni Comanche, to leave; but they informed him that they were resting from their arduous journey and did not propose to leave until it suited their conven-

11. Leeper's Report, December 31, 1857. Ms. University of Texas photostat copy.

12. J. Shirley, employee at Barnard's trading house at the reservation, to C. E. Barnard, May 6, 1858. Ms. University of Texas photostat copy. Also, Leeper to Neighbors, February 5, 1858, Ibid.

29: Hoebel E-4,5 (1933) 1969 NO6 Comanche NO6

682 It was an absolute privilege-right, which not even her family would move [593] to challenge.

On the other hand, for one Comanche male to kill another was never 682 a privilege-right, even when applying force to an over-stubborn defendant. 627 Any willful killing required a revenge killing of the slayer. Here was the fatal weakness of Comanche law, as indeed of so much primitive law. The culture provided right ways of procedure and defined the substance of 602 tortious acts. But the primacy of the kin group came to the fore whenever 682 a prosecutor felt he had pushed negotiation as far as it would carry and then had taken recourse to arms. The kin of the defendant whom he had 627 killed did not accept the killing, although general public opinion may have held that the victim had it coming to him. The Comanche kinsmen took revenge on the prosecutor regardless of the rightness of his original grievance. In enforcing the law he lost his life, a victim of *lex talionis*.

However much Comanche law fell short in this respect, custom [578] remedied the defect in another. Blood-revenge killing was only of the first killer and retaliation did not lead to feud. The kinship principle, while extant, was nevertheless weak among the Comanches, and general fighting within the tribe was not to be countenanced when there were always outside enemies to be confronted. The killer, and the killer alone, had to die. There it stopped. No religious sanction, no tribal authority, was necessary to suppress the feuding tendency. Custom was sufficient restraint, and in this the Comanches were fortunate, for thereby they escaped the self-renewing curse that plagues so many primitive law systems.

Willful killing of a man's favorite horse was an act akin to murder, 685 especially if the horse had been bequeathed to him by a best friend. Re- 627 taliation was taken not in killing the favorite horse of the transgressor but [825] in slaying the transgressor himself. A favorite horse had a legal personality and was equated with a human being. Consequently, no further blood revenge followed, for things were already equal: a man for a horse.

Every Comanche male at one time or another went on a vision quest 787 in search of power. He did not abase himself before the supernatural spirits or masochistically mutilate and torture himself to arouse their compassion. 776 Nor did he weep before them to arouse their pity. Unlike the tribesmen 787 of the Plains to the north, he assumed that the spirits were generally benign toward him; they needed no coaxing to share the benefits of their power with him. If he fasted and waited in a lonely place, they would help him. 776 Nor did they interfere in his daily living except as they put conditions on the use of the power they gave him. A Comanche had to observe no super- 784 natural tabus save those that went with his own personal medicine. Under 756 Postulate VIII[A] most Comanche medicine men used their powers to help the people. They cured and used their medicine to bring success in war 789 and the hunt. They even, for a contractual consideration, helped others

A [See category 181, p. 69--Analyst]